

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. This response is believed to fully address all issues raised in the outstanding Office Action mailed November 29, 2004. Furthermore, no new matter is believed to have been introduced hereby.

For the ease of the Examiner, all pending claims are reproduced above. No amendment to the claims has been made. Claims 1-31, 39-45, and 50-51 were previously cancelled. Accordingly, claims 32-38 and 46-49 remain pending.

Outstanding Rejections

Double Patenting Rejections

Claims 32 and 33 are rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 5,914,734 (hereinafter "the '734 patent"). Claim 34 is rejected under the judicially created doctrine of obviousness-type double patenting over the '734 patent in view of U.S. Patent No. 5,300,958 (hereinafter "the '958 patent").

Claims 46-48 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent Application No. 09/859,692 (hereinafter "the '692 patent application").

Claim 49 is rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 5,905,514 (hereinafter "the '514 patent").

Rejections under 35 U.S.C. §103(a)

Claims 35-38 stand rejected under 35 U.S.C. §103(a) over the '734 patent.

Response to Outstanding Rejections

Claims 32-34 and 49

Three terminal disclaimers are being submitted herewith in response to the outstanding double-patenting rejection of claims 32-34 and 49. Accordingly, claims 32-34 and 49 are in condition for allowance.

Claims 35-38

As indicated above, the outstanding Office Action rejects claims 35-38 under 35 U.S.C. §103(a) over the '734 patent. In response, Applicant respectfully submits that reliance on the '734 patent for a 35 U.S.C. §103 rejection is inappropriate. In particular, the present application and the '734 patent were, at the time the invention of the present application was made, commonly owned by Hewlett-Packard Company. Accordingly, pursuant to 35 U.S.C. §103(c) and MPEP §706.02, the rejection of claims 35-38 should be withdrawn.

Additionally, as detailed in the outstanding Office Action mailed November 29, 2004, the Examiner rejects claims 35-38 over the '734 in view of allegedly well-known art. Pursuant to MPEP §2144.03, applicant hereby traverses this rejection and kindly requests the Examiner to provide a reference in support of the assertions recited in the outstanding Office Action, or to otherwise withdraw the rejection. Moreover, pursuant to MPEP §2144, if the

Examiner is basing the grounds for rejection on the Examiner's personal knowledge, applicant hereby kindly calls upon the Examiner to set forth the facts in an Examiner's affidavit or to otherwise withdraw the rejection. Furthermore, when a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. MPEP §2144.03; 37 CFR §1.104(d)(2).

Claims 46-48

Pursuant to 35 USC §121 (and MPEP §804.01), it is respectfully submitted that the rejection of claims 46-48 under the judicially created doctrine of obviousness-type double patenting over the '692 patent application is improper. In particular, the present application is a "division" of the pending '692 patent application. In fact, the present application was filed as a result of a restriction requirement by the Office mailed December 4, 2001, in the '692 patent application. Accordingly, it is respectfully submitted that claims 46-48 are in condition for allowance.

Conclusion

Reconsideration and allowance of all claims is respectfully requested. The Examiner is urged to telephone the undersigned if that would expedite prosecution of the application.

Respectfully Submitted,

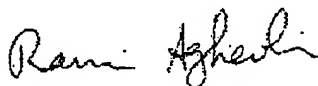
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By His Representatives,

Caven & Aghevli LLC

Dated: February 4, 2005

By: _____



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